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12 Attorneys for Plaintiffs,
13 LOUELLA BOREN and LEROY BOREN

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA

17 LOUELLA BOREN and LEROY BOREN,)	Case No.: C 07-03532 EDL
)	
18 Plaintiffs,)	SUPPLEMENTAL JOINT CASE
)	MANAGEMENT STATEMENT
19 vs.)	AND PROPOSED ORDER
)	[Civil L.R. 16-14]
20 J.C. PENNEY CORPORATION, INC.,)	
)	Conference Date: January 22, 2008
21 Defendant.)	Time: 3:00 p.m.
)	Courtroom: E
22)	

23 Pursuant to Civil L.R. 16-14(d) the parties to the above-entitled action certify that they met
24 and conferred at least 10 days prior o the subsequent case management conference schedule in this
25 case and jointly submit this Supplemental Case management Statement and Proposed Order and
26 request that the Court to adopt is as a Supplemental Case Management Order in this case.

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DESCRIPTION OF SUBSEQUENT CASE DEVELOPMENTS**1. The following progress or changes have occurred since the last case management statement filed by the parties:**

The parties participated in a mediation before Joel Franciosa, Esq. on December 20, 2007. Though the parties negotiated, the case was not settled and a large gap remains between the last demand and offer.

While the parties have not settled the case, counsel have spoken concerning further action, including discovery and, where possible, voluntary production of information concerning plaintiffs' medical and lost earnings specials. Plaintiffs have requested, and defendant has agreed, to a continuance of all deadlines and the trial date to accomplish the activities, including those listed below, and to engage in further settlement discussions. Plaintiffs request a settlement conference with a magistrate judge.

Further activity that needs to be completed includes but is not limited to:

A. Defense completion of plaintiffs' depositions.

Both plaintiffs require American Sign Language interpreters. The first portion of Ms. Louella Boren, commenced at 11:35 am and after several breaks, including lunch, was stopped at 4:15. Mr. Leroy Boren commenced at 4:20 pm and was stopped at 4:50 pm. Both depositions remain unfinished.

B. Written discovery

Defendant will propound interrogatories and request for production of documents regarding medical and earnings claims.

Plaintiffs will propound interrogatories and document requests to defendant.

C. Defense Medical Exam

Defendant reserves the right to serve a request for an orthopedic exam of Mrs. Louella Boren.

D. Deposition of witness

Debbie Hunt is an independent witness from the scene of the incident, who has yet to be deposed. Defendant reserves the right to depose her if plaintiffs do not.

1 E. Voluntary explanation of previously submitted medical bills

2 Plaintiffs and defendant have agreed to voluntarily attempt to determine the true amount of
3 incurred and paid medical bills that are related solely to the incident.

4 **2. The parties jointly request the Court to make the following Supplemental Case**

5 **Management Order:**

6 A. Continuance of Trial Date

7 Currently set for August 4, 2008. Plaintiffs request and defendant stipulates to a 60 day
8 continuance, per the court's availability.

9 B. Continuance of Discovery Completion Dates

10 Currently expert disclosures are due February 15, 2008, rebuttal disclosures are due March 3,
11 2008. All non expert and expert discovery is to be completed no later than March 15, 2008.
12 Plaintiffs request and defendant stipulates to a 60 day continuance of these deadlines.

13 C. Motions

14 Currently the deadline for hearing dispositive motions is May 6, 2008. Plaintiffs request and
15 defendant stipulates to a 60 day continuance of this deadline and related filing deadlines.

16 D. Pretrial Conference

17 Currently set for July 15, 2008. Plaintiffs request and defendant stipulates to a 60 day
18 continuance of this and all document filing and service deadlines related to the Pretrial Conference
19 date, per the court's availability.

20 **3. Settlement and ADR**

21 The parties have stipulated to mediation. As per this court's prior Case Management Order
22 and the items listed above, the parties will complete discovery to allow for effective negotiations.

23 **4. Scheduling**

24 Fact Discovery Cutoff:	May 15, 2008
25 Expert Disclosure Deadline:	May 30, 2008
26 Rebuttal Expert Disclosure:	June 13, 2008
27 Hearing of Dispositive Motions:	August 18, 2008
28 Pre-Trial Conference:	September 15, 2008

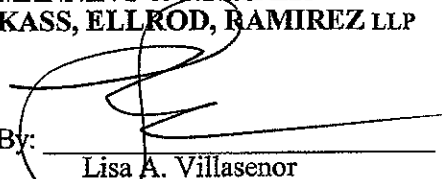
1 Trial:

September 29, 2008

2
3
4 Dated: January 16, 2008

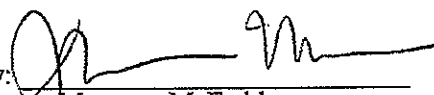
Respectfully submitted

**MANNING & MARDER
KASS, ELLROD, RAMIREZ LLP**

5
6 By: 
7 Lisa A. Villasenor
8 Attorneys for Defendant,
J.C. PENNEY CORPORATION, INC.

9 Dated: January 16, 2008

**LAW OFFICES OF
MAUREEN E. MCFADDEN**

10
11 By: 
12 Maureen McFadden
13 Attorneys for Plaintiffs,
LOUELLA BOREN and LEROY BOREN

CERTIFICATION OF SERVICE

LOUELLA BOREN AND LEROY BOREN v. J.C. PENNEY CORPORATION, INC.

United States District Court - Northern District Case No.: (C 07-03532 EDL)

I am employed in the County of San Francisco, State of California. I am over the age of 18 and not a party to the within action; my business address is One California Street, Suite 1100, San Francisco, CA 94111.

On January 16, 2008, I served the document described as **SUPPLEMENTAL JOINT CASE MANAGEMENT STATEMENT and PROPOSED ORDER [CIVIL L.R.16-4]** on the interested parties in this action by placing true copies thereof enclosed in sealed envelopes addressed as follows:

Maureen E. McFadden, Esq.
Law Offices of Maureen E. McFadden
819 Bancroft Way
Berkeley, CA 94710

Phone: (510) 845-5203

Fax: (510) 868-0976

Attorney for Plaintiffs

LOUELLA BOREN and LEROY BOREN

☒ **(BY MAIL)** I caused such envelope to be deposited in the mail at San Francisco, California. The envelope was mailed with postage thereon fully prepaid.

I placed such envelope with postage thereon prepaid in the United States mail at San Francisco, California.

I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at San Francisco, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ **(BY OVERNIGHT COURIER):** I placed the above-referenced document(s) in an envelope for collection and delivery on this date in accordance with standard _____ overnight delivery procedures.

☐ **(BY FACSIMILE)** I telecopied such document to the offices of the addressee at the following fax number: .

☐ **(BY PERSONAL SERVICE)** I delivered such envelope by hand to the offices of the addressee.

☐ **(STATE)** I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☒ **(FEDERAL)** I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on January 16, 2008 at San Francisco, California.



Carlos Rios